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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,690	08/07/2002	Brian Bennie	201-1266	9312
28549	7590	07/15/2004	EXAMINER	
KEVIN G. MIERZWA ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			NGUYEN, PHUNG	
			ART UNIT	PAPER NUMBER
			2632	6

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/064,690	BENNIE ET AL.
Examiner	Art Unit	
Phung T Nguyen	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 28 April 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-19 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 12-19 is/are allowed.

6)  Claim(s) 1,2 and 6-11 is/are rejected.

7)  Claim(s) 3-5 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . . .

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mendez et al. (U.S. Pat. 5,612,671) in view of Niekerk et al. (U.S. Pat. 6,463,798) and further in view of Nada (U.S. Pat. 6,522,960).

**Regarding claim 1:** Mendez et al. disclose a method of learning tire pressure transmitter ID comprising a plurality of tire location and a memory (col. 3, lines 19-24) having an ignition signal (col. 3, lines 25-51), wherein each transmitter identification is associated with one of the plurality of the tire location (col. 2, lines 1-4). Mendez et al. disclose entering a learn mode in response to the ignition signal (col. 3, lines 25-58). Niekerk et al. teach entering a learn mode in several ways, e.g., a vehicle turn is detected, only when the vehicle is started, or from a combination of one or more thereof (col. 4, lines 37-51). Mendez et al. and Niekerk et al. do not show entering a learn mode in response to the ignition signal and the brake condition signal as claimed. However, Nada disclose vehicle with power source system mounted thereon, power source system controller, method of controlling power source system, and method of controlling start of such vehicle including the use of a combination of the brake signal and ignition signal (col. 7, lines 40-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Niekerk et al., Mendez et al., and

Nada because entering the learn mode by using the brake condition signal in addition to the ignition signal would prevent errors.

**Regarding claim 2:** Niekerk et al. disclose entering the learn mode after a predetermined number of transitions (col. 4, lines 37-41).

**Regarding claim 6:** Mendez et al. disclose a tell-tale display 22 (col. 2, lines 46-52).

**Regarding claim 7:** Mendez et al. disclose activating a timer in response to entering the learn mode (col. 4, lines 49-60).

**Regarding claim 8:** Mendez et al. disclose a first transmitter identification signal is received, resetting the timer and generating a second display signal indicative of a second tire location (col. 1, lines 59-63, and col. 3, lines 2-6).

**Regarding claim 9:** Mendez et al. disclose receiving a second transmitter identification signal (col. 1, lines 59-67).

**Regarding claim 10:** Mendez et al. disclose associating the first identification signal with a first tire location and a second identification signal with a second tire location (col. 2, lines 39-41).

**Regarding claim 11:** Mendez et al. disclose a spare location (col. 2, lines 4-6).

*Allowable Subject Matter*

3. Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 12-19 are allowed.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen



Date: July 9, 2004